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LINDA LINGLE
GOVERNOR



DARWIN L.D. CHING
DIRECTOR

COLLEEN Y. LaCLAIR
DEPUTY DIRECTOR

**STATE OF HAWAII
DEPARTMENT OF LABOR AND INDUSTRIAL RELATIONS**

830 PUNCHBOWL STREET, ROOM 321
HONOLULU, HAWAII 96813
www.hawaii.gov
Phone: (808) 586-8842 / Fax: (808) 586-9099
Email: dlr.dir@hawaii.gov

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WIA BULLETIN NO. 07-09

TO: WIA Partners

SUBJECT: Extension of February 1, 2008 – June 30, 2009 Local Area Plans for the Workforce Investment Act ("WIA") and Wagner-Peyser Act

PURPOSE

The purpose of this bulletin is to extend the existing February 1, 2008 – June 30, 2009 Local Area Plans for the Workforce Investment Act ("WIA") and Wagner-Peyser Act to PY 2009 until local plans are modified as described in this Bulletin.

REFERENCES

1. WIA Section 112
2. Training and Employment Guidance Letter ("TEGL") No. 7-08: Instructions for Workforce Investment Act and Wagner-Peyser Act State Planning and Waiver Requests for Year Five of the Strategic Five-Year State Plan (Program Year 2009)
3. TEGL No. 14-08 including Change 1: Guidance for Implementation of the Workforce Investment Act and Wagner-Peyser Act Funding in the American Recovery and Reinvestment Act ("ARRA") of 2009 and State Planning Requirements for Program Year ("PY") 2009
4. Hawaii State Plan for Title I-B of the Workforce Investment Act and the Wagner-Peyser Act, July 1, 2007 to June 30, 2009, submitted May 1, 2007, and a copy posted in the Department of Labor and Industrial Relations website at:

<http://hawaii.gov/labor/wdc/wdc-links/reports.shtml>

5. Local Area Plans for Title I-B of the Workforce Investment Act and the Wagner-Peyser Act, February 1, 2008 to June 30, 2009 and copies posted in the Department of Labor and Industrial Relations website at:

<http://hawaii.gov/labor/wdc/wdc-links/workforce-investment-act>

BACKGROUND

WIA Section 112 requires that States have approved State Plans in place to receive formula allotments under WIA. The State Workforce Investment Boards (e.g. Hawaii Workforce Development Council) assist the governors of states in developing State plans including the review of local plans.

Current State Plans for all states, and all approved waivers currently in place will expire on June 30, 2009. TEGL 7-08 on December 11, 2008 requires States to submit one of the following in order to extend the life of the existing plan for PY 2009:

- A letter requesting a one-year extension of their current State Plan, or
- A modification request that revises the current State Plan and extends the life of the Plan. A modification is required when there are:
 - Changes in Federal or state law or policy that substantially change the assumptions upon which the Plan is based;
 - Changes in the statewide vision, strategies, or policies;
 - Changes in the methodology used to determine local allocations of funds;
 - Reorganizations which change the working relationship with system employees, or changes in organizational responsibilities;
 - Reorganization of the state agency designated to deliver services under the Wagner-Peyser Act;
 - Changes in services delivered by state merit-staff employees;
 - Changes to membership structure of the State Board or alternative entity;
 - Changes in performance indicators; or
 - Any similar substantial changes to the State's workforce investment system.

TEGL 14-08 on March 18, 2009 states that the DOLETA is requiring states to submit modified plans due to dramatic economic changes and the infusion of new funding. Each State's modified plan is to describe revised strategies to meet the challenges of the economic downturn and use the additional funds provided under the American Recovery and Reinvestment Act ("ARRA").

To ensure that all states have the approved State Plan necessary to receive PY 2009 allotments by the beginning of the program year, while still allowing states sufficient time to submit a substantial State Plan modification, USDOL is asking states to follow a two-step process. First, as originally indicated in TEGL No. 7-08, all states may submit by April 15, 2009 a request to extend into PY 2009 their current State Plan along with proposed levels of performance and a request for current waivers the state wishes to extend. Second, the USDOL requires all states to submit a State Plan modification by June 30, 2009 that describes strategies to respond to the economic downturn and implement the ARRA.

Both April 15, 2009 and June 30, 2009 submissions will cover plan periods ending June 30, 2010. During March to September 2009, negotiation of performance measures involving local areas, the State, and the USDOL will be in progress. During July to September 2009, the USDOL will be reviewing the State Plan and may request revisions. USDOL is required to respond to states no later than September 30, 2009.

The USDOL anticipates that some local plans will need modifications, especially once the State submits its modification on June 30, 2009. The local plans and state plan will not automatically align with each other. The USDOL hopes that States can design their local modification process so that submitting local plan modifications do not delay the state plan process or impede implementation of the ARRA.

The timeframe for the State plan modification process is insufficient for inclusion of the Local Area State Plan modification process prior to June 30, 2009. Pending modification of Local Area Plans, the extension of Local Area Plans allows local areas to continue plan implementation without disruption.

POLICY

The existing February 1, 2008 – June 30, 2009 Local Area Plans for WIA and the Wagner-Peyser Act are extended to PY 2009 until the local plans are modified according to the procedures below.

PROCEDURES

To begin the local area plan modification process, the State requires local areas to review TEGL 14-08 and be guided by the questions that need to be answered in the modified State plan.

The State will issue the formal state guidelines for local area plan modification based on a State modified plan that will be submitted to the DOLETA on or before June 30, 2009. The guidelines will be issued no later than July 30, 2009. If needed, based on USDOL's feedback on the State modified plan, the State will issue amendments to the formal guidelines on or before September 30, 2009. The guidelines will assist the Local Areas in modifying existing local area plans consistent with the approved State Plan modification. The guidelines will also include a process timeline that provides for review of modified Local Area Plans on or before a Workforce Development Council meeting on November 12, 2009. The modified local area plans will be effective from the approval date to June 30, 2010.

INQUIRIES

Questions regarding this bulletin should be directed to Mr. James Hardway, Executive Director, Workforce Development Council, at (808) 586-8671 or James.P.Hardway@hawaii.gov.


DARWIN L.D. CHING